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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,703	10/22/2003	Hiroko Mogi	244211US6	4653
22850	7590	08/08/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
TRAN, NHAN T				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
08/08/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/689,703

**Applicant(s)**

MOGI ET AL.

**Examiner**

NHAN T. TRAN

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/29/2008 and 4/28/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 4/28/2008 have been fully considered but they are not persuasive.

The Applicant argues:

(i) "[t]here does not appear to be any reason why one skilled in the art would modify Bachmann based upon the extension member 60 in Gelbard such that support arm 5 would extend toward the back of the camera. First, the movement of arm 5 is constrained to not extend toward the back of the camera. Secondly, since arm 5 appears to correspond in function and position to assembly 24 in Gelbard, logically it may be possible to substitute arm 5 for support 24. But the result would be that the arm 5 would still not extend toward the back of the camera." (Remarks, page 6).

(ii) "The different purpose, functions and movement of arm 5 and extension member 60 clearly teach away from making the combination proposed in the Office Action." (Remarks, page 7).

(iii) "As clearly shown in Bachmann, member 5 pivots in a plane substantially parallel to the top of the camera, not the side" as required in claim 19. (Remarks, page 8).

In response, the Examiner understands the Applicant's arguments but respectfully disagrees with the Applicant's assessment of the prior art as follows:

(i) It appears that the Applicant tried to replace components of the camera of Bachmann by the components from Gelbard. However, one skilled in the art would not replace the components in such manner but rather considering a concept or idea of the invention to make modification. It is clearly seen from Bachmann, the extension arm 5 is able to rotate with respect to two different axes (8 and 9). Although Bachmann does not explicitly teach that the extension arm 5 is extending to the back of the camera body, Bachmann does not teach away from any possible modification that extends the extension arm 5 to toward the back of the camera body. The constraint of extension arm 5 as argued by the Applicant is only indicated by Fig. 1 but it does not necessarily prevent this arm to be modified to improve the operability of the camera. Returning to Gelbard, it is a common knowledge and well practiced by one skilled in the art to provide an extension arm (Figs. 1 & 4) such that it is capable of extending toward the back side of the camera so as to increase versatility and usability, thereby improving user convenience (Gelbard, col. 1, lines 4-8 and col. 4, lines 29-57). It is reasonable and feasible to modify the camera of Bachmann so that the extension arm 5 would be capable of rotating more degrees than the currently limited rotatable degrees in the drawings to extend not only to the front of the camera but also to the back of the camera

so as to improve the versatility and usability of the electronic viewfinder in view of the teaching of Gelbard and common knowledge. One skilled in the art would also recognize that the combination of the Bachmann and Gelbard would render a video camera with more flexible movement of the electronic viewfinder to enable higher operability of the electronic viewfinder mechanism based on the gathered concepts of Bachmann and Gelbard.

(ii) One skilled in the art would recognize that the extension function of extension arm 5 would be more useful when modified to extend to the back of the camera in view of the function of the extending member 60 in Gelbard. The teaching of each of these functions complement each other to provide improvement in a single combination rather than teaching away from each other as argued by the Applicant.

(iii) As shown in Fig. 1 and abstract of Bachmann, the extension arm 5 is pivotably rotatable about the axis 7. The plane containing the extension arm 5 is substantially in a plane parallel to a side of the camera body.

In view the above, the rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10-12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (DE 37 10111) in view of Gelbard (US 6,927,797).

Regarding claim 1, Bachmann discloses a video camera (television camera shown in Fig. 1 and abstract) comprising:

- a camera body (1) to image an object;

- a mounting member (7) removably installable (attachable to the camera body 1 as disclosed in the title and abstract) on the camera body;

- a viewfinder (3);

- a first arm member (5) attached to said mounting member at a first end (8) and attached to said viewfinder at a second end (9) to be adjacent to a side of said camera body (see Fig. 1), said first arm member (5) being pivotably rotatable about said mounting member at said first end (8) and being pivotably rotatable about said viewfinder at said second end (9); and said viewfinder being removably installed (attachable) on the first arm member to display an image picked up by the camera body, the viewfinder including a display unit (inherent display unit in such an electronic viewfinder of the television camera) to display an image thereon (see Fig. 1 and abstract).

Although Bachmann discloses the first arm member as discussed above, Bachmann is just silent as to the first arm member extending toward a back of said camera from the mounting member.

However, Gelbard teaches a video camera having a viewfinder (41 in Fig. 4) attached to an arm member (60) which is extended from a mounting member (24) toward the back of the camera (see Figs. 1 & 4) so as to increase versatility and usability of the viewfinder as suggested by Gelbard in col. 1, lines 4-8 and col. 4, lines 29-57.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the television camera in Bachmann such that the first arm member would be configured to extend toward the back of the camera from the mounting the member so as to increase versatility and usability of the viewfinder as suggested by Gelbard above.

Regarding claim 2, it is also seen in Bachmann that the display unit (inside viewfinder 3) is removably installed (attachable) to the first arm member (see title and abstract).

Regarding claim 3, Gelbard further discloses that the camera body is provided with an accessory-part fixture (video input port at 126 or slot member 118 shown in Fig. 1 of Gelbard) for fixing an accessory part to the video camera; and the display unit is removably installable to the accessory-part fixture (see Gelbard, Figs. 1, 2 & 4). Therefore, it would have been obvious to one of ordinary skill in the art to further combine Bachmann and Gelbard for an accessory-part fixture for fixing an accessory

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part to the camera so that the viewfinder (display unit) and its associated electrical components would be removably attached easily.

Regarding claim 4, Bachmann in view of Gelbard further discloses that at least either the accessory-part fixture or display unit has an auxiliary screw provided thereon (see Gelbard, Figs. 1, 6 & 8).

Regarding claim 10, Bachman also discloses that the video camera further comprises a fulcrum member (8) connected to said mounting member; said first arm member (5) being pivotable about said fulcrum member at said first end.

Regarding claim 11, the combined teaching of Bachmann and Gelbard also discloses a bracket (clamp bracket 96 shown in Fig. 8 of Gelbard) connected to said viewfinder and longitudinally slidable along said first arm (see Gelbard, col. 5, line 64 – col. 6, line 1, wherein the user can slide the clamp bracket 96 to clamp the viewfinder 38 to a desired position).

Regarding claim 12, it is also clearly seen in Fig. 1 of Bachmann that the first arm member (5) has a bar shape.



Regarding claim 17, Bachmann further discloses, in Fig. 1, a fulcrum member (9) connected to said viewfinder (3); said viewfinder being pivotable about said fulcrum member at said second end.

Regarding claim 18, it is also seen in Fig. 1 of Bachmann a first fulcrum member (8) connected to said mounting member (7), said first arm member (5) being pivotable about said first fulcrum member at said first end about a first axis (axis 8); and a second fulcrum member (9) connected to said viewfinder (3); said first arm member being pivotable about said second fulcrum member at said second end about a second axis (axis 9) substantially parallel to said first axis (axes 7 and 9 are always parallel at a separated distance of the length of first arm member 5).

Regarding claim 19, this claim is also met by the analysis of claim 18. In addition, as shown in Fig. 1 of Bachmann, the first arm member is pivotable, substantially in a plane parallel to a side of the camera body, about said mounting member along a first axis.

4. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann and Gelbard as applied to claim 1 and in further view of Yamada Kazuo (JP 10-191118 in the IDS filed 12/17/2003).

Regarding claim 13, Bachmann and Gelbard do not teach a second arm member having a first end pivotably mounted on said viewfinder and a second end adapted to be connected to a tripod.

However, it is well recognized by Kazuo that the extended viewfinder of a video camera is supported by a second arm member (19) that is connected to a tripod (10) so as to maintain the viewfinder at a constant height when the video camera is tilted downward on a tripod (see Figs. 1 & 3 and abstract and paragraph [0029]; it should be noted in Kazuo that the position of the viewfinder is independent from the camera posture to maintain the eyepiece 13 at a substantially constant position even when the camera is tilted downward).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Bachmann, Gelbard and Kazuo to construct a second arm member having a first end pivotably mounted on said viewfinder and a second end adapted to be connected to a tripod so that the eyepiece of the viewfinder is maintained at a constant height when the video camera is tilted downward on a tripod to minimize unnecessary head movement of the photographer/user as suggested by Kazuo.

Regarding claim 14, it is also seen in Kazuo that the second arm member has a bar shape (e.g., a cylinder bar shape shown in Figs. 1 & 3).

Regarding claim 15, the combination of Bachmann, Gelbard and Kazuo also teaches that the second arm member is configured to have a telescopic operation (see Fig. 4 in Kazuo).

Regarding claim 16, this claim is also met by the analysis of claim 13.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571)272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Nhan T. Tran/

Primary Examiner, Art Unit 2622